

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF JAMES) APPEAL NO. 07-A-2649
TRACY from the decision of the Board of) FINAL DECISION
Equalization of Valley County for tax year 2007.) AND ORDER
)

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing January 18, 2008, in Cascade, before Hearing Officer Travis Vanlith. Board Members Lyle R. Cobbs, Linda S. Pike and David E. Kinghorn participated in this decision. Appellant James Tracy appeared. Assessor Karen Campbell, Chief Deputy Assessor Deedee Gossi, and Appraiser June Fullmer appeared for Respondent Valley County. This appeal is taken from a decision of the Valley County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel No. RPM001300E001BA.

The issue on appeal is the market value of a residential property, specifically the value attributable to land.

The decision of the Valley County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$101,750, and the improvements' valuation is \$52,340, totaling \$154,090. At hearing appellant requested the land value be reduced to \$74,000, and the improvements' value be left at \$52,340, totaling \$126,340.

Subject property is .282 acres with a 875 square foot single-family residence built in 1961.

Appellant described subject as a minimal two bedroom, one bath residence with a carport. Taxpayer maintained there are cracks throughout the house, and the cabinets have to pull away from the wall because the ground underneath the residence is unstable marsh land.

Appellant noted that subject's assessed value received a steep value increase in one

year. Last years assessed land value was \$54,800, the improvements' valuation was \$49,940, for a total of \$104,740. Appellant received three assessment notices for 2007. The first notice had a total assessed value of \$215,600. The second amended assessment had a total assessed value of \$145,370. The third and final amended assessment had a total assessed value of \$154,090.

The County explained that after the first assessment was sent, a ratio study was completed and it was determined amended assessments were warranted because land values were too high and improvement valuations were too low.

After the second assessment notice was sent, the State Tax Commission conducted an additional ratio study. That study determined land values were within the acceptable market value range, however, improvements were under-assessed. The State Tax Commission then mandated that the County apply a positive 20% trend to all residential improvements.

Respondent stated a physical inspection of subject was completed some time ago and adjustments were made to the value of subject to recognize certain defects. Trends were then applied to all improvements in the area.

The County provided five 2006 improved property sales to establish subject's 2007 assessed value. The Appraiser maintained these were the best sale properties available for comparison to subject. The sale prices ranged between \$230,000 and \$285,000, or \$185 to \$283 per square foot. For comparison, subject's total assessed value was \$154,090 or \$176 per square foot.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments

and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Respondent understood Appellants' frustration with the assessment and explained that the Idaho State Tax Commission mandated a 20% increase on all improvements values in the area. Respondent maintained current assessments complied with market value requirements.

Idaho Code 63-201(10) defines market value:

"Market Value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellant did not submit any current sales information, appraisals or other factual information pertaining to the market value of the subject property.

Respondent offered five 2006 improved sales to support subject's assessed value.

This Board finds the County Assessor did consider all of the known value factors which affected the subject property.

Idaho Code Section 63-511(4). Appeals from county board of equalization.

In any appeal taken to the board of tax appeals or the district court pursuant to this section, the burden of proof shall fall upon the party seeking affirmative relief to establish that the valuation from which the appeal is taken is erroneous, or that the board of equalization erred in its decision regarding a claim that certain property is exempt from taxation, the value thereof, or any other relief sought before the board of equalization. *A preponderance of the evidence shall suffice to sustain the burden of proof.* The burden of proof shall fall upon the party seeking affirmative relief and the burden of going forward with the evidence shall shift as in other civil litigation. The board of tax appeals or the district court shall render its decision in writing, including therein a concise statement of the facts found by the court and the conclusions of law reached by the court. The board of tax appeals or the court may affirm, reverse, modify or remand any order of the board of equalization, and shall grant other relief, invoke

such other remedies, and issue such orders in accordance with its decision, as appropriate. (*Emphasis added.*)

This Board finds Appellant did not prove by a preponderance of evidence that the relief claimed was warranted. Therefore, this Board finds for Valley County and will affirm the decision of the Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Valley County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED February 12, 2008